

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 18600 of 2003

Between:

Syed Anwar Hussain,S/o. Syed Nather Hussain
P.G. College (Osmania University) Secunderabad
R/o. 98, Kharkhana, Secunderabad.

... PETITIONER

AND

Osmania University Jame-Osmania, Hyderabad 500 007
rep by its Registrar

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records connected with the order No. 2689/226/2Estt.I dated 20-8-2003 issued by the respondent, and issue an appropriate writ, order or direction, especially one in the nature of writ of Mandamus declaring the order of the respondent No. 2689/226/2/Estt.I dated 20-8-2003 as being arbitrary, illegal, unconstitutional, null and void and violative of principles of natural justice and set-aside the same accordingly, with all consequential and attendant benefits to the petitioner and pass such other and further orders as the Hon'ble Court may deem expedient in the circumstances of the case or the interests of justice warrant.

Counsel for the Petitioner: MR.Y.VENKAT SASTRY

Counsel for the Respondent No: Mr. Deepak Bhattacharjee, S.C. for Osmania University.

The Court made the following Order:

ORDER:

The petitioner filed this Writ Petition questioning the order of the respondent-University dated 20-08-2003 dismissing him from service.

2. It is stated that after filing the Writ Petition, the petitioner filed an appeal before the Executive Council through the Registrar of the University on 19-09-2003 and accordingly requests this Court that he may be permitted to pursue the appeal. Admittedly, there is an alternative remedy to the petitioner by filing an appeal before the appellate authority and having rightly realized the fact that there is an appeal provided; he has filed the same. In view of the appeal filed by the petitioner, this Writ Petition cannot be entertained. No costs.

3. The said appeal filed by the petitioner may be disposed of within a period of three months from the date of receipt of a copy of this order. The Writ Petition is accordingly disposed of. No order as to costs.

(V. ESWARAIAH, J)

July 20, 2004

MRR/CHVN

Two C.D. Copies.

Copy to:

1. The Registrar, Osmania University, Jam-e-Osmania, Hyderabad
500 007.

2. Two C.D. Copies.